REMARKS/ARGUMENTS

Claims 1, 3-20, 22-24 and 27 remain in the application.

No Claims are currently amended.

Claims 18-20 and 20-24 stand allowed.

Withdrawal of Indicated Allowability

Withdrawal of indicated allowability of claims 9, 12 and 13 over newly discovered art is noted.

Continued Examination Under 37 CFR § 1.114

The examiner is thanked for acknowledging the request for continued examination filed under 37 CFR § 1.114, and for withdrawing the finality of the previous Office action, and further for entering the applicant's submission filed on March 25, 2009.

Claim Rejections Under 35 USC § 103

Claims 1, 3, 4, 9, 12, 13 and 27 were rejected under 35 USC § 103(a) over US Patent 5,503,526 to Nells, et al.

Claim 8 was rejected under 35 USC § 103(a) over US Patent 6,173,928 to Coats.

Claim 1 as previously presented is clearly allowable over Nells, which teaches a frame 10 supported by legs 11. Column 4, lines 7-9.

Lateral portions of an engine support base 14 define notches carrying forward leg support collars 18 that each define an internal channel 19 to slidably receive a leg 11 for vertical motion therein. Each forward leg support collar 18 is of an arcuate configuration to slidably accept an arcuate forward leg 11. Column 4, lines 10-21.

"Legs 11 all have elongate tubular body elements 32, each leg 11 having an outer cross-sectional shape similar to and incrementally smaller than the square cross-sectional shape of the medial-channels 19, 25 of the leg support collars 18. Preferably the tubular leg elements define medial channels 33 to lessen the overall weight of the structure and aid in providing the resilience required of the leg elements. Each leg is formed with similar arcuate axial configuration that is a portion of a circular arc so that the leg may move within the channel of the leg collars which have similar arcuate configuration. This arcuate configuration of the legs [11] allows them to extend downwardly away from the engine support base to provide a greater distance between the

depending ends of the legs than exists between their upper portions carried by the leg support collars to provide more stability of support for the structure. The arcuate configuration defined by the square tubular elements also provides more shock absorbency and better dampening resilience than is provided by legs [11] of other cross-sectional shapes and configurations. Other leg shapes and configurations, especially a straight leg extending in an angulated fashion, are within the ambit and scope of our invention and, though they may not provide the maximum of efficient operation, they are operationally feasible." Column 4, line 58-column 5, line 13 (emphasis added).

"If it be desired to use the fan in a horizontal orientation, all support legs [11] are moved with their feet at a substantially equal distance beneath the support base 14 and with appropriate extension to establish the desired vertical position." Column 6, lines 35-38 (emphasis added).

"If it be desired to angulate the fan from a vertical position that produces a horizontal output cone, the rear leg [11] is adjusted in length relative to the front legs to create an upward angulation of the support base by shortening its dependency below the support base and a downwardly angulation of the support base is accomplished by lengthening its dependency below the base. If a fan is to be positioned on a sloping or irregular surface, the legs [11] may be differentially positioned to provide support with appropriate angulation of the support base. If desired, all three legs [11] may be positioned to angulate the base so that no one of its edges are horizontal, though there normally is no purpose for such positioning of a fire fighting fan." Column 6, lines 39-51 (emphasis added).

Nells thus teaches the legs 11 are rigid as taught by their "square cross-sectional shape" (column 4, lines 58-62) which shape when tubular, as taught by Nells, is understood by those of skill in the art to be virtually unbendable, except upon catastrophic failure. In fact, legs 11 must be "slidable" in internal channels 19 of support collars 18 in order to provide "appropriate extension" to "establish the desired vertical position." Column 6, lines 35-38.

Further evidence of the legs 11 being rigid is that, "If it be desired to angulate the fan from a vertical position that produces a horizontal output cone, the rear leg [11] is adjusted in length relative to the front legs to create an upward angulation of the support base by shortening its dependency below the support base and a downwardly angulation of the support base is accomplished by lengthening its dependency below the base." Column 6, lines 39-45 (emphasis added).

Thus, in clear contrast to the present invention, Nells' legs 11 **cannot** be "substantially independently permanently bendable in three dimensions along substantially an entire length thereof," as recited in claim 1.

In fact, the legs 11 as taught by Nells the medial channels 33 of the tubular leg elements 11 **only** "aid in providing the resilience required of the leg elements." Column 4, lines 62-65 (emphasis added). The "resilience" of legs 11 **only** provides "more shock absorbency and better dampening resilience" by their "arcuate configuration." Column 5, lines 7-10 (emphasis added). Thus, as taught by Nells, the legs 11 only provide "shock absorbancy" and "damping resilience," but are **not** "substantially independently permanently bendable in three dimensions along substantially an entire length thereof," as recited in claim 1.

For at least the above reasons, that the legs 11 of Nells are rigid at least because of their tubular shape, and must be "slidable" in internal channels 19 of support collars 18 in order to provide "appropriate extension" to "establish the desired vertical position," claim 1 is believed to be allowable as previously presented.

Claims 3, 4 and 8 are allowable at least as depending from allowable base claim 1.

Claim 9 is different in scope from allowable claim 1. However, the above arguments directed to claim 1 are sufficiently applicable to claim 9 as to make repetition unnecessary. Thus, for each of the reasons above, claim 9 is believed to be allowable over the cited art.

Claims 12, 13 and 27 are allowable at least as depending from allowable base claim 9.

Allowable Subject Matter

The examiner is thanked for indicating the allowability of claims 18-20 and 20-24.

The examiner is also thanked for indicating the allowable subject matter of claims 5-7, 10, 11 and 14-17, and further indicating that said claims would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. However, applicant believes said claims are allowable as depending from allowable base claims 1 and 9. Therefore, applicant respectfully declines to amend said claims at this time.

The claims now being in form for allowance, reconsideration and allowance is respectfully requested.

If the Examiner has questions or wishes to discuss any aspect of the case, the Examiner is encouraged to contact the undersigned at the telephone number given below.

Respectfully submitted,

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